

25
INAUGURAL ADDRESS

OF

GOV. J. NEELY JOHNSON,

DELIVERED AT THE

Capitol, Sacramento, California,

JANUARY 9TH, 1856.



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INAUGURAL ADDRESS.

ABOUT to assume the duties which have been assigned me by the free suffrages of the people of this State, under the solemnity of the oath I have just subscribed in the presence of this convention of delegated representatives and vast concourse of citizens here assembled, I find much to impress me with a sense of the onerous responsibilities attached to the gubernatorial office—the most exalted position a State can bestow—whilst at the same time a preference thus manifested, cannot fail to inspire me with the most profound sentiments of gratitude toward those from whom I have received this distinguished mark of confidence.

Universal custom demands of the incoming Executive an indication of the general course of policy by which he will be guided in the administration of public affairs. A compliance with this well-recognized usage, is mainly my present design, deferring to another and early occasion, the specific recommendations which I may deem essential for legislative consideration.

With due deference to such counsels as have been so potent in incorporating into our legislation a practical exposition of certain distinctive features of the State Constitution—so opposite to the views entertained by myself—I cannot refrain, even at this early day, from enumerating some of the more prominent provisions of that instrument, and venturing to suggest my individual opinion of the proper construction to be given them, whereby the future action of the Executive may be facilitated, and official intercourse with the legislative department of the government most happily promoted.

In the first place, the subject of State indebtedness is one affecting the most vital interests of our population, involving, as it does, the reputation of the State, both at home and abroad; and probably at the present time enlists more general interest and inquiry, than all other matters connected with the administration of the public business. That our depreciated credit may be restored, and our obligations honorably redeemed, finds in all a universal response. To the certain and speedy accomplishment of this desire, radical reforms must be resorted to, and a more willing and close obedience observed towards our constitutional obligations.

In the study and investigation which I have given to the State Constitution, I find nought that can reconcile with a proper sense of duty, a disregard of any of its provisions, under the specious pretext that necessity requires this or that feature should be treated as “dead letter,” but in all its parts it manifestly displays a complete adaptation to the purposes for which it was

nted—in no respect more happily illustrated than in
 he checks and restrictions which secure the people
 ginst prodigal and wasteful expenditure of the public
 ney by legislative sanction. Most prominent of the
 as referred to is the eighth article of that instru-
 nt, and that I may the more readily be understood,
 ote the article entire:

ARTICLE VIII., STATE DEBTS.—The Legislature shall not, in any
 nner, create any debt or debts, liability or liabilities, which shall
 y or in the aggregate, with any previous debts or liabilities, exceed
 sum of three hundred thousand dollars, except in case of war, to
 el invasion or suppress insurrection, unless the same shall be author-
 ze by some law for some single object or work to be distinctly speci-
 ie therein; which law shall provide ways and means, exclusive of
 os, for the payment of the interest of such debt or liability as it falls
 du and also to discharge the principal of such debt or liability within
 yaty years from the time of the contracting thereof, and shall be
 epealable until the principal and interest thereon shall be paid and
 dished. But no such law shall take effect until at a general elec-
 ti, it shall have been submitted to the people, and have received a
 ority of all the votes cast for and against it at such election; and all
 ney raised by authority of such law shall be applied only to the
 sified object therein stated, or to the payment of the debt thereby
 eated; and such law shall be published in at least one newspaper in
 eh Judicial District (if any be published therein), throughout the
 Ste, for three months next preceding the election at which it is sub-
 mitted to the people."

Has this article been faithfully observed, these
 requirements pursued in the millions of money appro-
 priated, now aggregating our public debt, and hereafter
 to be discharged by means of onerous exactions from
 the people? Truly not. No inconsiderable amount of
 appropriations, since the State indebtedness reached the
 sum mentioned, has been for "specific purposes," and

not embraced within the exceptions named. In the each successive Legislature has borne its part, and generally, it is believed, without duly considering the effect of such restrictions.

With the established fact that our existing indebtedness far transcends the sum of three hundred thousand dollars, a literal construction of this article might seem to embrace, among the interdicted appropriations, such even as are absolutely necessary to the support of the State Government. In this view, however, I cannot concur. All governments must inherently possess, to a practicable extent, the power of providing means for their own maintenance, so far even as to pledge the credit and revenue; else every movement might be once arrested, and each department fail utterly to perform the functions for which it was ordained. The exclusion of such authority in our own State Government without the observance of the formula prescribed in the article just quoted, would wholly destroy its utility and render its action entirely abortive; thus making what it was never designed to be by the framers of the Constitution—a Government in name, indeed, but destitute of the power to impart vitality to any of its movements. Hence, in my view, no Constitutional objection can arise, in making all needful appropriations for supporting the various departments of the State Government. But here the authority ceases; and *each* and *every* appropriation for purposes not absolutely and necessarily embraced within the class of expenditures required to *support the State Government*, or such as

within the exception—"in case of war, to repel invasion, or suppress insurrection,"—the Constitution strictly forbids and prohibits, unless previously submitted to the people for their sanction and ratification in the prescribed manner.

In this same connection, I would call attention to Sec. 23, Art. IV., of the Constitution: "No money shall be drawn from the treasury but in consequence of appropriations made by law." How far this requirement has been complied with, it is only necessary to refer to past action, and it will be seen that a considerable amount of State indebtedness has been created by at least a most latitudinous construction of what constitutes an "appropriation made by law," and often by an utter disregard of this positive mandate of the Constitution.

Another restrictive feature of this instrument is found in the Article relating to Corporations, and which, I fear, has not been so closely observed as its importance demands. Sec. 31 of Art. IV., provides, that "Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes." And the sense in which the word "corporations" is there employed is defined in Sec. 3 of the same Article, as follows: "The term corporations, as used in this Article, shall be construed to include all associations and joint-stock companies, having any of the powers or privileges of corporations not possessed by individuals or partnerships." The experience of all legislation has demonstrated the

pernicious consequences attendant on conferring authority upon the legislative department to grant special privileges to corporate companies, in which the public have but little or no interest. To mention no greater objection, the frequency of such applications oftentimes absorbs much valuable time, and greatly retards the course of general business. The framers of our Constitution have, therefore, "except for municipal purposes," wisely forbidden the Legislature to pass other than general laws on this subject. Entertaining the opinion that those provisions *mean* what, in words readily understood, they *declare*, upon examination, it shall be found that the general laws hitherto enacted require amendment so as to promote their greater usefulness, my sanction will be most cheerfully given; but, "except for municipal purposes," it will be withheld from any special act of incorporation.

The only remaining subject, especially connected with this branch of my remarks, to which I will now allude, is the veto power conferred on the Executive. In this respect the Constitution of California is not singular, but finds a precedent in that of the Federal Union, and, with various modifications, in those of all the States composing that Union. At this remote period, it is unnecessary to investigate the motive which, in a system of government like our own, prompted the adoption of a feature so positively in derogation of the popular will, as manifested through their chosen representatives; but we may rationally

that the prerogative thus bestowed was never designed to be rashly or inconsiderately exercised, nor its uses prostituted to the accomplishment of selfish ends, but rather to preserve intact the Constitution; to guard from intrusion and violation its sacred mandates, and to restrain the improvident exercise of legislative power. If, unhappily, the necessity shall arise during my official term—which I confidently hope and believe will not—in my opinion calling for the interposition of this prerogative, it will only be exercised in consonance with the views I have here expressed.

An observance of the foregoing maxims may contribute much to relieve the embarrassments under which our beloved State has so long labored, but they constitute only in part these reformatory measures the people ask, yea, demand, at the hands of the administration. The most rigid economy in all its departments, scrupulous fidelity in the discharge of public trusts, and an earnest zeal in promoting the present and future well-being of the State, are confidently expected from those in power. To this end, the abolition of all sinecures and needless offices—especially refusing to create more of like kind—a just and discriminating reduction of the fees and emoluments of office, and withal (if such detestable heresy has ever in our State found its votaries, that there can honestly exist such things as constructive perquisites in salaried offices), teaching the official incumbent of every degree, that he must look solely to the legitimate salary or

fees, as defined by law, for compensation; the adoption of such needful amendments to our code, criminal and civil, as will tend to promote the impartial and speedy administration of justice, simplify legal proceedings and give force and efficacy to laws framed for beneficent purposes, but which have proven so defective as to render them absolutely nugatory; that the blessing of a Republican Government may be successfully enjoyed, and the noblest boon of the American citizen not ruthlessly overridden by perjury and fraud, the enactment of election laws and regulations, such as will tend to secure the legal voter, whether native or naturalized, the right of voting in security and safety; the exercise of such constitutional legislation as will be calculated to adjust, on equitable terms, controversies in relation to lands, in adverse possession to those claiming under Mexican grants, that stability and certainty of title may tend to augment population and improvement, and enhance the public revenue; the adoption of biennial sessions of the Legislature, and by assiduity and laborious industry in the work of legislation, bring the sessions within the shortest possible limit; these, gentlemen of the Legislature, constitute some of the undertakings now before us; and entertaining as I do, the most exalted confidence in the purity of your motives, wisdom of your counsels, and regard for the public weal, I doubt not we will be found alike co-workers in the noble task of reform now to be begun and prosecuted, with a zeal and ardor that knows no abatement, that the sincerity of our

declarations may be vindicated, and public expectation realized.

But let us not forget that we have other duties and obligations than those entailed in the management of our domestic affairs. As one of the American Confederacy, whilst California would evince a due spirit of resistance toward any encroachment on her well-recognized rights as a sovereign State, she yields to none in the alacrity displayed in the performance of her duties toward the General Government. The history of her people constitutes the noblest vindication of their loyalty to the Union, and their desire for its perpetuation. When, years ago, she was struggling with a self-constituted government; during months of anxious entreaty, refused recognition as a State; paying tribute in countless thousands to the Federal treasury; her people sorely perplexed with the apparent indifference with which their appeals were received—no murmur of discontent was heard, or threat of secession indulged in; and when at length came the gladsome news of admission to the rights of a State, the universal joy of the people demonstrated their loyal attachment and devotion to the Union. Such is now the universal sentiment which the lapse of time has but strengthened, and the fond hope may be confidently cherished, that if ever disorganizers shall plot the destruction of this noblest fabric of human government, the people will be found arrayed in its defense and preservation.

In conclusion, though fully sensible of the fact, that the present condition of the State invokes the aid of

administrative capacity, having its foundation in eminent ability and the most comprehensive experience and conscious that those attributes of character are denied me, yet in the discharge of the difficult duties which I am called upon to perform, with a hopeful dependence on the watchful and protecting care of that Ruler who is supreme over all, I hesitate not to give the assurance that so far as I have at this time avowed my course of policy, its observance shall be strictly regarded, and that in all matters of public duty, an impartial, honest and conscientious course shall illustrate my own action, and if the fond wishes for the public good in which I have indulged be not realized, it will not result from the want of determined and constant effort on the part of your Executive.

J. NEELY JOHNSON.



